

September 18, 2019

The Honorable Ajit Pai
Chairman, Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Pai:

We write today to request that the Federal Communications Commission (FCC) use the tools at its disposal to curb the number of robocalls received by Americans. As top-cop on the beat in the fight against robocalls, preventing these calls falls squarely within the Commission's purview.

Perennially cited as one of the top complaints received by both the FCC and the Federal Trade Commission (FTC), these nuisance calls are not only bothering consumers on a daily basis, but according to data from the FTC, are responsible for more than \$285 million in losses just this year. While vital steps toward effective caller authentication have been taken, these actions only reasonably predict whether a call is from a robocaller and do not block the calls. It is clear that more must be done.

Robocallers placed 172 million calls to residents of Illinois in the month of August. In a growing trend, American consumers are simply refusing to answer the phone due to distrust of the number appearing on their caller identification. As a result, consumers are missing important reminders and notifications such as school closings and doctor's appointments. More steps need to be taken to protect residential landlines and cellphones alike from the deluge of illegal robocalls.

In a rare showing of bipartisanship, both chambers of Congress have taken action to try and stop these calls. The Senate overwhelmingly passed the TRACED Act by a vote of 97-1 while the House of Representatives passed the Stopping Bad Robocalls Act by a vote of 429-3. It is evident that there is a broad bipartisan consensus in stopping these calls. At the same time, the FCC need not wait for these bills to become law to make progress. The Telephone Consumer Protection Act (TCPA) of 1991 affords the FCC broad authority in doing more to stop these scam calls. As technology continues to evolve to the benefit of scammers and bad actors, we urge you to enhance traceback efforts to bring these scammers to justice.

A recent *Wall Street Journal* report found that some small telecommunications carriers are knowingly and willingly allowing call originations of billions of illegal robocalls. It's time for the Commission to stop this illicit robocall traffic. For the small telecommunications companies who lack the resources to implement caller authentication technology, the FCC must provide the technical assistance necessary to bring these companies up to speed. So long as these carriers are allowing these calls, the integrity of our caller identification system will remain compromised.

The FCC also should prioritize enforcing the laws already on the books. As of March, the Commission had fined robocallers \$208 million yet only collected \$6,790. We encourage the FCC to strengthen its enforcement regime and coordinate with the Department of Justice and the FTC to pursue real financial penalties for illegal robocallers.

Finally, we call upon the Commission to adopt a stronger definition, as outlined in the TCPA, of what constitutes an automatic telephone dialing system (ATDS). In doing so, the Commission would ensure that all automated calls and texts are covered under the TCPA's consent requirements. Further, you should ensure that consumers always have the ability to revoke consent for all automated calls, even if the consumer initially provided consent by signing a contract. It is crucial that we empower consumers by giving them the power to control what calls they do and do not receive.

Like millions of our constituents, we have a personal stake in ending this scourge. We look forward to continuing to work with all who are willing to put a stop to these nuisance calls once and for all.

Thank you for your attention to this important matter.

Sincerely,



Richard J. Durbin
United States Senator



Tammy Duckworth
United States Senator

CC: Jessica Rosenworcel, Federal Communications Commissioner
Geoffrey Starks, Federal Communications Commissioner
Michael O'Rielly, Federal Communications Commissioner
Brendan Carr, Federal Communications Commissioner



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

OFFICE OF
THE CHAIRMAN

October 15, 2019

The Honorable Richard J. Durbin
United States Senate
711 Hart Senate Office Building
Washington, DC 20510

Dear Senator Durbin:

Thank you for your letter regarding the Federal Communications Commission's actions to help consumers address unwanted robocalls, which for years has been their top complaint to the agency. Combatting unwanted robocalls has been my top consumer protection priority since becoming Chairman. We have tackled this complex challenge with a comprehensive approach—though rulemaking, enforcement actions, and consumer education—in addition to our collaboration with other government entities and industry.

During my tenure as FCC Chairman, we've taken action to cut off robocalls and spoofing at the source, including authorizing carriers to stop certain spoofed robocalls. We've authorized the creation of a reassigned numbers database. And we've used the authority Congress gave us in last year's RAY BAUM'S Act to expand the reach of our anti-spoofing rules.

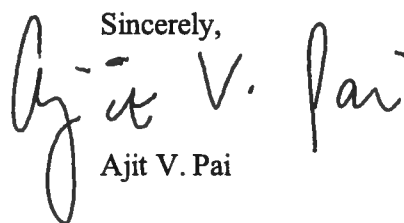
And in one of the biggest steps yet, at our June 2019 meeting, the FCC adopted my proposal to allow phone companies to establish call-blocking services as a default setting for consumers. This was paired with another proposal related to call-blocking—a Further Notice of Proposed Rulemaking regarding a safe harbor for carriers that block phone calls that are not properly authenticated under the SHAKEN/STIR caller ID authentication framework, including a proposal for the Commission to mandate adoption of that framework if major voice service providers fail to implement it by the end of the year. I'm optimistic that these steps will make a significant dent in this problem.

In addition, the Commission continues to aggressively enforce the Telephone Consumer Protection Act as well as the Truth in Caller ID Act. We have sent a clear message that those who engage in illegal robocall schemes will pay a price. In instances where robocallers have refused to pay the imposed forfeitures, the Commission refers the case to the Department of Justice for collection per our normal practice. Additionally, the FCC coordinates with the Federal Trade Commission on investigations into violations of our Do Not Call rules, and we work together on consumer education programs. The Commission also works with federal and state agencies to share information and resources that can be used to investigate unwanted calls.

Commission staff continue to review the record developed to resolve issues related to what constitutes an "automatic telephone dialing system" as well as the scope of a consumer's right to revoke prior express consent to receive robocalls. These issues were left open after the U.S. Court of Appeals for the District of Columbia's decision in *ACA International v. FCC* struck down much of the agency's 2015 *TCPA Declaratory Ruling and Order*.

Page 2—The Honorable Richard J. Durbin

Please let me know if I can be of any further assistance.

Sincerely,

Ajit V. Pai



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 15, 2019

The Honorable Tammy Duckworth
United States Senate
524 Hart Senate Office Building
Washington, DC 20510

Dear Senator Duckworth:

Thank you for your letter regarding the Federal Communications Commission's actions to help consumers address unwanted robocalls, which for years has been their top complaint to the agency. Combatting unwanted robocalls has been my top consumer protection priority since becoming Chairman. We have tackled this complex challenge with a comprehensive approach—though rulemaking, enforcement actions, and consumer education—in addition to our collaboration with other government entities and industry.

During my tenure as FCC Chairman, we've taken action to cut off robocalls and spoofing at the source, including authorizing carriers to stop certain spoofed robocalls. We've authorized the creation of a reassigned numbers database. And we've used the authority Congress gave us in last year's RAY BAUM'S Act to expand the reach of our anti-spoofing rules.

And in one of the biggest steps yet, at our June 2019 meeting, the FCC adopted my proposal to allow phone companies to establish call-blocking services as a default setting for consumers. This was paired with another proposal related to call-blocking—a Further Notice of Proposed Rulemaking regarding a safe harbor for carriers that block phone calls that are not properly authenticated under the SHAKEN/STIR caller ID authentication framework, including a proposal for the Commission to mandate adoption of that framework if major voice service providers fail to implement it by the end of the year. I'm optimistic that these steps will make a significant dent in this problem.

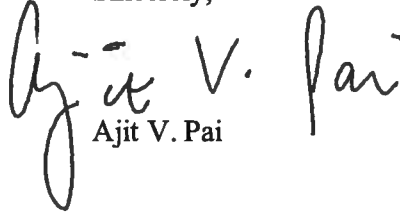
In addition, the Commission continues to aggressively enforce the Telephone Consumer Protection Act as well as the Truth in Caller ID Act. We have sent a clear message that those who engage in illegal robocall schemes will pay a price. In instances where robocallers have refused to pay the imposed forfeitures, the Commission refers the case to the Department of Justice for collection per our normal practice. Additionally, the FCC coordinates with the Federal Trade Commission on investigations into violations of our Do Not Call rules, and we work together on consumer education programs. The Commission also works with federal and state agencies to share information and resources that can be used to investigate unwanted calls.

Commission staff continue to review the record developed to resolve issues related to what constitutes an "automatic telephone dialing system" as well as the scope of a consumer's right to revoke prior express consent to receive robocalls. These issues were left open after the U.S. Court of Appeals for the District of Columbia's decision in *ACA International v. FCC* struck down much of the agency's 2015 *TCPA Declaratory Ruling and Order*.

Page 2—The Honorable Tammy Duckworth

Please let me know if I can be of any further assistance.

Sincerely,


Ajit V. Pai